

EXHIBIT D

DEFENDANTS' 9.20 COUNTER- PROPOSAL

From: Goddard, Mark B. on behalf of Goddard, Mark B. <MGoddard@TurnerPadget.com>
Sent: Wednesday, September 20, 2023 6:45 PM
To: Liz Shepherd; Mayer, Marc; Joshua Salley
Cc: Mikahlia Lawrence; Pamela Sandford; Thomas Barrow; Shellie Fischer; jhubert@rhp-law.com; jrahimi@rhp-law.com; kkennedy@rhp-law.com; jcluverius@nexsenpruet.com; gclose@nexsenpruet.com; wes@wesleyfew.com; cassy@wesleyfew.com; cooper.ellenberg@gmail.com; hellenberg@consumerprotection.net; Carter, J. Kenneth; Behnke, Lindsey M; Bowman, Theresa; Steinberg, David; Melara, Suguey; Frank Scardino; evan@cfwlegal.com; hmetcalfe@malawfirmsc.com; Tyler Thompson; Jordan Stanton; Jeffrey Freeman; J Edward Bell; bbull@ncose.com; dpinter@ncoselaw.org; cprice@ncoselaw.org; pgentalala@ncoselaw.org; Casonya Ritchie; Val Gurvits
Subject: [EXTERNAL] RE: Does v Collins Murphy et al; DEPO OF COLLINS MURPHY 09-13-23
Attachments: Comparison 9_20 Scheduling Order(13960531.1).docx

Counsel,

We have reviewed your proposed scheduling suggestions, and we have concerns about Plaintiffs' suggested deadlines.

Attached please find our new proposal that includes a comparison with Plaintiffs' proposal. We understand that Plaintiffs want to ensure they have sufficient time to conduct necessary discovery. We are cognizant of that request, and we have made some additional revisions to our previous proposal to allow additional time for discovery in hopes of finding a schedule that all parties can join. However, we feel strongly that the July 31, 2024, initial discovery deadline proposed by plaintiffs is not reasonable or necessary given the length of time these cases have been pending. Ending this phase of discovery on March 29, 2024, allows all parties over 6 months to conduct any necessary discovery.

We would ask that all parties review this proposal and let us know your thoughts.

If you would like to further discuss, please let us know.

Mark

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From: Liz Shepherd <lizshepherd@kytrial.com>
Sent: Wednesday, September 20, 2023 9:18 AM
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Event	Old Date	MG Freesites' Proposed New Dates	Plaintiffs' Proposed Dates
Pls.' Expert Disclosures	October 28, 2023	February 2, 2024	March 1, 2024
Defs. Expert Disclosures	November 28, 2023	March 2, 2024	April 1, 2024
Records Custodians Affidavits	November 30, 2023	March 2, 2024	July 31, 2024
Discovery Cut-Off for all discovery except that related solely to compensatory damages, including IMEs, Plaintiffs' and Defendants' Expert Disclosures, and discovery related to those Expert Disclosures	November 30, 2023	March 29, 2024	July 31, 2024
Deadline for filing of Dispositive Motions	December 30, 2023	May 3, 2024	September 16, 2024* *Briefing to conclude by December 20, 2024
Mediation	December 14, 2023	February 16, 2024	December 14, 2024
Hearing on Pending Dispositive Motions		???	???
Plaintiffs' Damages Expert Disclosures		Four months from decision on dispositive motions	Four months from decision on dispositive motions

Defs. Damages Expert Disclosures		Six months from decision on motions	Six months from decision on motions
Records Custodians Affidavits		Six months from decision on motions	Six months from decision on motions
Damages Discovery Cut- Off		Seven Months from decision on motions	Seven Months from decision on motions
Dispositive Motions Deadline		Eight months from decision on motions	Eight months from decision on motions
Trial Not before		Nine Months from Decision on Motions	Nine Months from Decision on Motions